

**REMARKS****Amendment**

Prior to the amendment presented herein, claims 21 – 25, 28 – 34, and 37 – 51 were pending in the application. Claims 1 – 20, 26, 27, 35, and 36 were previously cancelled without prejudice.

By this Response new claims 52 – 111 are added. The Abstract and paragraphs [0002], [0036], [0043], [0049], and [0053] are amended. Claims 21 – 25, 28 – 34, and 37 – 51 are cancelled. Like claims 1 – 20, 26, 27, 35, and 36, they are cancelled without prejudice. Support for the amendment may be found throughout the specification as originally filed, including the Figures and the claims; and in particular at paragraphs [0025], [0036], [0040], [0042], and [0043] – [0052], and in Figures 6 – 8.

No new matter is added by the amendment.

**Summary of Interview**

Applicant thanks the Examiner for his time and insight during the interview conducted with Applicant's representatives Donna Flores and Matthew Marquardt in the Examiner's offices on 7 July 2010. Claims 21 and 52, and the Wagner (US 2004/0155908), Salmimaa (US 2002/0160817), Hirayama (US 2002/0035613), and Hellebust (2005/0248437) references were discussed. While no agreement on claims was reached, the Examiner agreed that Claim 52 substantially as presented herein would appear to patentably distinguish the art of record.

**Disclaimer of Prior Statements and Amendments**

The claims as presented herein may be broader in some respects than claims previously presented. Applicant intends that the claims as now pending be interpreted under the ordinary interpretation understood in the art. Accordingly Applicant expressly rescinds, and no longer intends that the claims be limited by, any and all assertions, statements, arguments, amendments or other actions previously made in this patent

application, and/or any application whose file history is available for use in interpreting any patent issuing on this application, that might be taken to be a surrender or disclaimer of any subject matter from the scope of any claim. No such assertion, statement, argument, amendment or other action in this application or in any such available application should be taken as a surrender or disclaimer from, and may not be used to interpret, any claim of this patent, or any claim of any patent to which such applications' file histories may be pertinent.

Applicant intends, and expressly requests, that the Application be presented and examined *de novo*. Accordingly, Applicant urges the Examiner to make a thorough and diligent search of the prior art with respect to each and every claim presented herein. Applicant requests that the Examiner reconsider any previous surrender, disclaimer or characterization of claims, and that he reconsider any prior art that may have been avoided or intended to be avoided by such surrender, disclaimer or characterization. To facilitate this request, Applicant submits with this amendment a new Form 1449 with all references previously applied in this application and in corresponding applications. Applicant requests that the 1449 be initialled to confirm that the references have been newly considered. In addition, a new search is requested.

#### **Rejection under 35 USC § 112**

At paragraph 2 of the Detailed Action the Examiner has rejected claim 21 under 35 USC 112 as failing to comply with the written description requirement. Claim 21 has hereby been cancelled without prejudice, and the rejection thereby rendered moot. Applicant respectfully requests reconsideration and withdrawal of the rejection.

#### **Rejections under 35 USC § 103**

At paragraph 5 of the Detailed Action the Examiner has rejected claims 21 – 25, 38 – 34, and 37 – 51 under 35 USC 103 as obvious over Wagner (US 2004/0155908) in view Hirayama (US 2002/0035613). Each of claims 21 – 25, 38 – 34, and 37 – 51 has hereby been cancelled without prejudice, and the rejection thereby rendered moot. Applicant respectfully requests reconsideration and withdrawal of the rejection.

With respect to Wagner, Applicant notes that it qualifies as prior art against the application herein, if at all, solely under 35 USC 102(e). While Applicant submits the claims as presented distinguish Wagner on their merits, Applicant respectfully and expressly reserves all right to establish prior invention in order to establish that Wagner is not valid prior art against this application or the claims presented herein.

### CONCLUSION


Applicant believes that it has responded to each ground of rejection raised by the Examiner, and that for at least the reasons cited above the claims, as presented, are in condition for immediate allowance. Applicant respectfully requests reconsideration and immediate allowance of the claims.

Applicant has submitted herewith extra claim fees in view of the amendment made herein. Applicant believes that no further fees are due in connection with the filing of this paper, beyond those paid herewith. In the event that the office determines that any further fee is due, Appellant requests that such fee be charged to its Deposit Account No. 195113.

Applicant is concerned to advance this application as quickly as is reasonably possible. Accordingly, Applicant respectfully requests that, in the event the Examiner has any further questions about this application, the Examiner call Applicant's attorney at the number provided below.

Respectfully submitted,

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